

Transylvania on the third Monday in August, and in Clay on the last Monday in August, and in Mitchell on the second Monday in September, and in Alleghany on the fourth Monday in October in each year, shall not have jurisdiction of any civil case in which the intervention of a jury may be necessary; and it shall be the duty of the clerk of said courts to make up a record in all civil cases now pending in the said courts of pleas and quarter sessions, and file the same, together with the original papers, with the clerks of the superior courts of law, on or before the fall term of the superior courts of law in their respective counties; and it shall be the duty of the clerks of the superior courts of law to enter the said cases upon their appearance docket, and the same shall stand for trial at the said term of the said superior court as other cases now pending in said court.

Duty of sheriff.

SEC. 6. *Be it further enacted*, That in all cases in which judgments have heretofore been taken in either the superior or county courts, and upon which executions have issued, it shall be the duty of the sheriff or other officer in whose hands such executions have been placed for collection, to endorse a levy upon the property of the defendant or defendants, sufficient to satisfy the same, and return such executions without making a sale; and upon return it shall be the duty of the clerk to issue a *venditioni exponas* or *fieri facias*, at the election of the plaintiff, returnable to that term of the succeeding court which is held twelve months from the test of such *venditioni exponas*, or *fieri facias*, and that all *alias* executions upon judgments heretofore taken shall be returnable in like manner.

Penalty on sheriffs.

SEC. 7. *Be it further enacted*, That so much of the 17th section, of the 105th chapter of the revised code, as subjects sheriffs to a penalty of one hundred dollars for not executing and returning process, be, and the same is hereby repealed, as to all penalties incurred since the passage of a bill at the last regular session of the Gene-